

FILED

SEP 3, 2008
SEP 3 2008 mb

IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA ex rel.
CLARENCE CHARLES TROTTER,

Petitioner.

v.

TERRY L. MCCANN, Warden,
Stateville Correctional Center,

Respondent.

No. 08 C 2917

The Honorable
Matthew F. Kennelly,
Judge Presiding.

SUPPLEMENTAL HABEAS CORPUS ISSUE

WHETHER PETITIONER WAS DENIED DUE PROCESS AND A FAIR TRIAL
WHERE THE PROSECUTION WITHHELD CRIMINAL CONVICTIONS' AND
PENDING CRIMINAL CASES' FROM PETITIONER WHICH WOULD HAVE
IMPEACHED WITNESS'S TESTIMONY HE HAD NO PENDING CASES AND
CRIMINAL CONVICTIONS OTHER THAN THOSE TESTIFIED TO BY THE
WITNESS CHARLES D. COKER AT PETITIONER'S CRIMINAL TRIAL


1. Petitioner did not present this issue to the state trial court and raise it during the state appellate process because the factual basis of this issue has been artfully concealed and withheld from petitioner by the prosecution office.
2. Petitioner recently discovered these herein exhibits (Supplemental exhibits 1, 2 and 3) while attempting to locate a 1993 murder case state Witness Charles D. Coker told petitioner he had. That Defense Counsel Mary Danahy also had informed petitioner State Witness Charles D. Coker had in 1993. But that during the 1994 trial of petitioner wherein Witness Charles D. Coker testified that he did not have any other cases pending and no other convictions other than those testified to.
3. Petitioner was denied due process and a fair trial where defense counsel presented a motion for discovery and the prosecutor presented an answer thereto and during petitioner's second trial the prosecutor gave defense counsel a copy of Witness Charles D. Coker's rap sheet which failed to include all pending cases and convictions thereon and then allowed State Witness Charles D. Coker to lie on the stand by testifying that he did not have any pending cases and criminal

conviction ~~other~~ than those testified to during petitioner's trial.

4. However, Witness Charles D. Coker had several criminal convictions and pending cases' which the prosecutor's office failed to reveal and correct Mr. Coker's false testimony concerning during petitioner's trial. Such conduct deprived petitioner of a trial that can be viewed as reliable.

Wherefore, petitioner should be excused from the procedural default of this claim and the habeas court should reach the merit thereof granting the petitioner a new trial.

Respectfully Submitted,


CLARENCE CHARLES TROTTER
P.O. Box 112 #A63323
Joliet, Illinois 60434

STATE OF ILLINOIS)
WILL COUNTY)SS

AFFIDAVIT CLARENCE CHARLES TROTTER

Affiant Clarence Charles Trotter, being duly depose and says that the facts and statements herein are true and correct in substance and belief to the best of affiant's personal knowledge and belief therein and affiant hereto below so subscribe under penalty as provided by law.

1. Affiant is the petitioner seeking habeas corpus relief from state court conviction under #I86CR10969 now on process of the federal district court.
2. Affiant recently discovered three (3) criminal convictions of State Witness Charles D. Coker had under two (2) different aliases names which were not disclosed to affiant during his 1994 criminal trial wherein State Witness Charles D. Coker testified that he did not have such cases pending nor did he have such criminal convictions.
3. Affiant discovered said convictions while attempting to locate a pending murder case State Witness Charles D. Coker had pending when he testified at the affiant's 1994 trial. However, affiant has yet to locate said criminal case.
4. On July 3, 1989 Charles D. Coker was indicted on Case #89CR1329401. Where he used the alias name Clides Coker and due to an plea agreement was sentenced to four (4) years probation. Which was violated and he was later sentenced to six (6) years IDOC on November 26, 1991. (See Supplemental Exhibit #1)
5. On May 2, 1989 Charles D. Coker was indicted on Case #89CR0851601 wherein he used the alias Cladis Coker and recieved four (4) years IDOC. (See Supplemental Exhibit #2)
6. Charles D. Coker plead guilty on October 30, 1989 on both cases #89CR1329401 and #89CR0851601. Wherein due to his plea agreement the four (4) years probation sentence was ran consecutive to the four (4) years IDOC sentence of imprisonment. (See Supplemental Exhibits #1 and 2)
7. Charles D. Coker later violated said probation under #89CR1329401 and on November 26, 1991 was sentenced to Six (6) years IDOC to run concurrent with a unidentified sentence. (See Supplemental Exhibit #1)
8. Affiant could have impeached Mr. Coker's false testimony that he did not have any pending cases and criminal convictions other than those revealed if affiant had known of such criminal cases or convictions.

9. Wherefore, affiant believes he was deprived of a fair trial and due process of law where the prosecutor withheld State Witness Charles D. Coker's pending criminal cases and or and convictions from affiant then allowed said state Witness Charles D. Coker to knowingly commit perjury which the prosecutor failed to correct according Illinois Law.

Affiant sayee not:

Date: August 28, 2008

Respectfully Submitted,

Clarence Trotter

CLARENCE CHARLES TROTTER
P.O. Box 112 #A63323
Joliet, Illinois 60434

Under penalties as provided by law pursuant to 750 ILCS 5/1-109 of the Code of civil procedure, the undersigned certifies that the statements set forth in this affidavit are true and correct, except as to matters the undersigned certifies as aforesaid that affiant verily believe the same to be true.

DATE: August 28, 2008

Clarence Trotter

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 001

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 89CR1329401

CLIDES

COKER

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION with the Clerk of the Circuit Court.

Charging the above named defendant with:

56.5-1401-B(2)

F

MAN/DEL >10-30G COC

The following disposition(s) was/were rendered before the Honorable Judge(s):

07/03/89 IND/INFO-CLK OFFICE-PRES JUDGE FITZGERALD, THOMAS R.	07/12/89 1701
07/12/89 DEFENDANT ARRAIGNED BASTONE, ROBERT P.	
07/12/89 PLEA OF NOT GUILTY BASTONE, ROBERT P.	
07/12/89 CASE ASSIGNED BASTONE, ROBERT P.	07/12/89 1724
07/12/89 CONTINUANCE BY AGREEMENT KARNEZIS, THEMIS N.	08/07/89
08/07/89 CONTINUANCE BY AGREEMENT KARNEZIS, THEMIS N.	08/23/89
08/23/89 CONTINUANCE BY AGREEMENT KARNEZIS, THEMIS N.	09/12/89
09/12/89 CONTINUANCE BY AGREEMENT KARNEZIS, THEMIS N.	09/21/89
09/21/89 CONTINUANCE BY AGREEMENT HIMEL, RONALD A.	10/30/89
10/30/89 PG JW FINDING GUILTY KARNEZIS, THEMIS N.	C001
10/30/89 DEF SENTENCED TO PROBATION 4 YRS KARNEZIS, THEMIS N.	C001
10/30/89 SENTENCE TO RUN CONSECUTIVE CONSECUTIVE TO 89CR8516 KARNEZIS, THEMIS N.	
08/14/91 DEFENDANT IN CUSTODY KARNEZIS, THEMIS N.	
08/14/91 CHANGE PRIORITY STATUS KARNEZIS, THEMIS N.	M

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 002

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 89CR1329401

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I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION	
08/14/91 CONTINUANCE BY AGREEMENT	09/09/91
KARNEZIS, THEMIS N.	
09/09/91 CONTINUANCE BY AGREEMENT	10/03/91
KARNEZIS, THEMIS N.	
10/03/91 DEFENDANT IN CUSTODY	
KARNEZIS, THEMIS N.	
10/03/91 CONTINUANCE BY AGREEMENT	11/25/91
KARNEZIS, THEMIS N.	
11/01/91 CASE ADVANCED	11/01/91 1724
KARNEZIS, THEMIS N.	
11/01/91 DEFENDANT IN CUSTODY	
KARNEZIS, THEMIS N.	
11/01/91 CONTINUANCE BY AGREEMENT	11/05/91
KARNEZIS, THEMIS N.	
11/05/91 DEFENDANT IN CUSTODY	
KARNEZIS, THEMIS N.	
11/05/91 CONTINUANCE BY AGREEMENT	11/15/91
KARNEZIS, THEMIS N.	
11/15/91 DEFENDANT IN CUSTODY	
KARNEZIS, THEMIS N.	
11/15/91 CONTINUANCE BY AGREEMENT	11/26/91
KARNEZIS, THEMIS N.	
11/25/91 DEFENDANT IN CUSTODY	
KARNEZIS, THEMIS N.	
11/25/91 CONTINUANCE BY AGREEMENT	11/26/91
KARNEZIS, THEMIS N.	
11/26/91 DEFENDANT IN CUSTODY	
KARNEZIS, THEMIS N.	
11/26/91 PG, FG TO VOP	
KARNEZIS, THEMIS N.	
11/26/91 VIOL PROB - IDOC	C001
6 YRS	
KARNEZIS, THEMIS N.	
11/26/91 SENTENCE TO RUN CONCURRENT	
WITH	
KARNEZIS, THEMIS N.	

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 89CR1329401

CLIDES

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CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION

I hereby certify that the foregoing has
been entered of record on the above
captioned case.
Date 06/09/08

DOROTHY BROWN
CLERK OF THE CIRCUIT COURT OF COOK COUNTY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 001

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 89CR0851601

CLADIS

COKER

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION with the Clerk of the Circuit Court.

Charging the above named defendant with:

56.5-1401-B(2)

F

MAN/DEL >10-30G COC

The following disposition(s) was/were rendered before the Honorable Judge(s):

05/02/89 IND/INFO-CLK OFFICE-PRES JUDGE FITZGERALD, THOMAS R.	05/08/89 1701	
05/08/89 NO BAIL HIMEL, RONALD A.		
05/08/89 S.O.L. WARRANT HIMEL, RONALD A.	W001	
06/01/89 TRANSFER INSTANTER THEIS, MARY JANE WENDT	06/01/89 1701	
06/02/89 CONTINUANCE BY ORDER OF COURT MCBRIDE, MARGARET STANTON	06/05/89	
06/05/89 WARR RETURNED, EXECUTED, FILED HIMEL, RONALD A.	W001	
06/05/89 REINSTATE FROM WARRANT HIMEL, RONALD A.	C001 06/05/89 1701	
06/05/89 DEFENDANT NOT ARRAIGNED HIMEL, RONALD A.		
06/05/89 CASE ASSIGNED HIMEL, RONALD A.	06/05/89 1722	
06/05/89 PUBLIC DEFENDER APPOINTED THOMAS, MARY MAXWELL		
06/05/89 DEFENDANT ARRAIGNED THOMAS, MARY MAXWELL		
06/05/89 PLEA OF NOT GUILTY THOMAS, MARY MAXWELL		
06/05/89 CONTINUANCE BY AGREEMENT THOMAS, MARY MAXWELL	06/09/89	
06/09/89 BAIL AMOUNT SET THOMAS, MARY MAXWELL		\$ 40000
06/09/89 CONTINUANCE BY AGREEMENT THOMAS, MARY MAXWELL	07/14/89	

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 002

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 89CR0851601

CLADIS

COKER

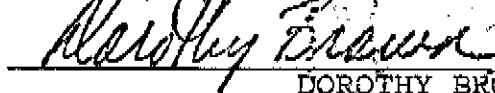
CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION	
07/14/89 CONTINUANCE BY AGREEMENT	08/23/89
THOMAS, MARY MAXWELL	
08/23/89 CONTINUANCE BY AGREEMENT	09/12/89
THOMAS, MARY MAXWELL	
09/12/89 TRANS CHF JUDGE FOR REASGNMT	09/12/89 1701
THOMAS, MARY MAXWELL	
09/12/89 TRANSFER INSTANTER	09/12/89 1724
THOMAS, MARY MAXWELL	
09/12/89 CONTINUANCE BY AGREEMENT	09/21/89
KARNEZIS, THEMIS N.	
09/21/89 WITNESSES ORDERED TO APPEAR	09/21/89 1724
HIMEL, RONALD A.	
09/21/89 CONTINUANCE BY AGREEMENT	10/30/89
HIMEL, RONALD A.	
10/30/89 PG JW FINDING GUILTY	C001
KARNEZIS, THEMIS N.	
10/30/89 DEF SENTENCED ILLINOIS DOC	C001
4 YRS	
KARNEZIS, THEMIS N.	
08/13/91 SPECIAL ORDER	
JUDGE KARNESIS 081491	
GROSSI GILBERT J.	

I hereby certify that the foregoing has been entered of record on the above captioned case.

Date 06/17/08



DOROTHY BROWN

CLERK OF THE CIRCUIT COURT OF COOK COUNTY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 001

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 94CR0546601

CLIDES

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CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION with the Clerk of the Circuit Court.

Charging the above named defendant with:

56.5-1407-B\1

F

PCS W/INT SCHL GRND

56.5-1401 C(2)

F

PCS W/INT >|<15 COCAIN

The following disposition(s) was/were rendered before the Honorable Judge(s):

03/22/94 IND/INFO-CLK OFFICE-PRES JUDGE	04/04/94 1701	
ID# CR100200939		
03/22/94 BAIL AMOUNT PREVIOUSLY SET		\$ 35000
04/04/94 CASE ASSIGNED	04/11/94 1736	
BASTONE, ROBERT P.		
04/11/94 DEFENDANT IN CUSTODY		
SACKS STANLEY J.		
04/11/94 PRISONER DATA SHEET TO ISSUE		
SACKS STANLEY J.		
04/11/94 MOTION FOR BAIL REDUCTION	S	2
SACKS STANLEY J.		
04/11/94 BAIL REDUCED		\$ 27500
SACKS STANLEY J.		
04/11/94 O/C ONLY REL DEF ON C/D BOND		\$ 27500
SACKS STANLEY J.		
04/11/94 CONTINUANCE BY AGREEMENT	05/06/94	
SACKS STANLEY J.		
05/06/94 DEFENDANT IN CUSTODY		
SACKS STANLEY J.		
05/06/94 PRISONER DATA SHEET TO ISSUE		
SACKS STANLEY J.		
05/06/94 CONTINUANCE BY AGREEMENT	06/06/94	
SACKS STANLEY J.		
05/09/94 DEFENDANT ON BOND		
D6396189 \$27,500		
05/09/94 CONTINUANCE BY ORDER OF COURT	06/06/94 1736	
06/06/94 DEFENDANT ON BOND		
SACKS STANLEY J.		

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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PEOPLE OF THE STATE OF ILLINOIS

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The States Attorney of Cook County filed an INDICTMENT/INFORMATION		
06/06/94 CONTINUANCE BY AGREEMENT	07/07/94	
SACKS STANLEY J.		
07/07/94 DEFENDANT ON BOND		
SACKS STANLEY J.		
07/07/94 MOTION TO WITHDRAW AS ATTORNEY	S	2
SACKS STANLEY J.		
07/07/94 CONTINUANCE BY AGREEMENT	08/11/94	
SACKS STANLEY J.		
08/11/94 DEFENDANT ON BOND		
SACKS STANLEY J.		
08/11/94 CONTINUANCE BY AGREEMENT	08/18/94	
SACKS STANLEY J.		
08/18/94 APPEARANCE FILED		
SACKS STANLEY J.		
08/18/94 CONTINUANCE BY AGREEMENT	09/26/94	
SACKS STANLEY J.		
09/26/94 MOTION TO WITHDRAW AS ATTORNEY	S	2
PUBLIC DEFENDER		
ERICKSON, DAVID A		
09/26/94 MOTION DEPT - CONTINUANCE - MD	10/11/94	
ERICKSON, DAVID A		
10/11/94 CONTINUANCE BY AGREEMENT	11/17/94	
SACKS STANLEY J.		
11/17/94 DEFENDANT ON BOND	*	
SACKS STANLEY J.		
11/17/94 CONTINUANCE BY AGREEMENT	12/09/94	
SACKS STANLEY J.		
12/09/94 DEFENDANT ON BOND		
SACKS STANLEY J.		
12/09/94 WITNESSES ORDERED TO APPEAR	12/09/94	
SACKS STANLEY J.		
12/09/94 CONTINUANCE BY AGREEMENT	01/19/95	
SACKS STANLEY J.		
12/21/94 SPECIAL ORDER		
12-27-94 01 999		
FOX, LAWRENCE P.		
12/27/94 CASE ADVANCED	01/19/95	1736

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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PEOPLE OF THE STATE OF ILLINOIS

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The States Attorney of Cook County filed an INDICTMENT/INFORMATION

12/27/94 DEFENDANT IN CUSTODY

12/27/94 PRISONER DATA SHEET TO ISSUE

12/27/94 CONTINUANCE BY AGREEMENT

01/19/95

01/19/95 DEFENDANT IN CUSTODY

SACKS STANLEY J.

01/19/95 PRISONER DATA SHEET TO ISSUE

SACKS STANLEY J.

01/19/95 APPEARANCE FILED

SACKS STANLEY J.

01/19/95 PG JW FINDING GUILTY

C002

SACKS STANLEY J.

01/19/95 NOLLE PROSEQUI

C001

SACKS STANLEY J.

01/19/95 CHANGE PRIORITY STATUS

M

SACKS STANLEY J.

01/19/95 DEF SENTENCED ILLINOIS DOC

C002

AS A CLASS X OFFENDER (730 1HCS 5/5-5-3 (8)

3 YRS

SACKS STANLEY J.

02/03/95 NOTICE OF MOTION/FILING

02/07/95 1736

FOR BOND

02/07/95 CASH BOND REFUND

BALL

RIVIAN COKER

SACKS STANLEY J.

02/07/95 PRISONER DATA SHEET TO ISSUE

SACKS STANLEY J.

02/07/95 CASH BOND REFUND

BALL

RIVIAN COKER

SACKS STANLEY J.

02/24/95 CASH BOND REFUND

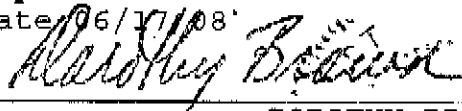
B001

D6396189 CBR TO RIVIAN COKER PER. ORDER

02/24/95 CBR PROCSED FRWD ACCT DEP

I hereby certify that the foregoing has been entered of record on the above captioned case.

Date 06/17/08



DOROTHY BROWN

CLERK OF THE CIRCUIT COURT OF COOK COUNTY

IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
SEP 3 2008
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UNITED STATES OF AMERICA ex rel.
CLARENCE CHARLES TROTTER,

Petitioner.

v.

TERRY L. MCCANN, Warden,
Stateville Correctional Center.

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT.

No. 08 C 2917

The Honorable
Matthew F. Kennelly,
Judge Presiding.

NOTICE AND PROOF OF SERVICE

TO:

Charles Redfern
Assistant Attorney General
100 W. Randolph Street, 12th Floor
Chicago, Illinois 60601-3218

The undersigned certifies that the foregoing instrument was served upon all parties to the above entitled cause by depositing a copy in the U.S. Mail postage prepaid in envelope addressed to the above person named at the above address on August 28, 2008 by depositing same in the U.S. Mail at Stateville Center, P.O. Box 112, Joliet, Illinois 60434.

Clarence Charles Trotter
CLARENCE CHARLES TROTTER PRO SE
P.O. Box 112 #A63323
Joliet, Illinois 60434